

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL JOHN MODENA,

Plaintiff,

Case No. 1:11-cv-60

v.

Honorable Paul L. Maloney

UNITED STATES OF AMERICA et al.,

Defendants.

ORDER

This is a civil rights action brought by a federal prisoner. On January 18, 2011, the Court entered an order of deficiency (docket #2) because Plaintiff had failed to pay the \$350.00 civil action filing fee or to file a certified copy of his prisoner trust account statement for the six months immediately preceding the filing of the complaint and an affidavit of indigence as required by 28 U.S.C. § 1915(a)(2) to apply to proceed *in forma pauperis*. The Court allowed 28 days for Plaintiff to comply. Plaintiff was warned that if he failed to comply, the Court would presume that he was not proceeding *in forma pauperis*, assess the entire filing fee, and dismiss his case for want of prosecution.

Plaintiff subsequently filed two motions seeking extensions of time to file the requisite documents (docket ##4, 6), as well as a motion seeking leniency for the delays in filing (docket #9). The Court twice granted extensions of time (docket ##5, 8). The latest extension of time expired on May 16, 2011. Plaintiff has now filed an affidavit of indigency (docket #10). He also previously submitted a copy of his prisoner trust account statement (docket #9), but that statement did not correspond with the six months immediately preceding the filing of his complaint.

As a consequence, notwithstanding repeated extensions of time, Plaintiff has failed to either pay the \$350.00 civil action filing fee or to submit all of the requisite documents to apply to proceed *in forma pauperis*. Because Plaintiff has failed to comply with the Court's order, the Court will issue a judgment dismissing the case without prejudice for lack of prosecution. *See In re Alea*, 286 F.3d 378, 380-81 (6th Cir. 2002); *McGore v. Wrigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997).

IT IS SO ORDERED.

Dated: June 9, 2011

/s/ Paul L. Maloney

Paul L. Maloney
United States District Judge